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November 4, 2009

Hon. Thomas J. McAvoy
U.S. District Court
Binghamton, New York 13901

Dear Judge McAvoy:

Please treat this letter as a formal request for an adjournment of the sentencing currently scheduled for November 23, 2009 at 9:30 a.m. in Binghamton, New York. I have spoken with AUSA Miroslac Lovric and he has no objection to this request.

There are two developments, either of which could potentially have a significant impact on the sentencing options my client could face.

First, the "Ramos-Compean Justice Act of 2009" was introduced in the House of Representatives on July 24, 2009. That legislation proposes granting Federal Judges authority to impose sentences below the statutory minimum. The bill is currently in committee awaiting further action.

Second, in U.S. v. Farley, the District Court ruled that the imposition of mandatory minimums in pornography cases could violate the constitutional prohibition against cruel and unusual punishment.

That ruling is currently on appeal before the 11th Circuit under Docket 08-15882-BB. All briefs have been filed and the case is waiting to be calendared.

I would respectfully request that sentencing be adjourned to a date that would allow enough time for a decision to be rendered in Farley and for Congresses intention to be clear.

Mr. Puglisi recognizes the possible benefits from favorable action in these matters and joins in this request.

Respectfully yours,

/s/

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